IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 19855 of 2004

Between:

1. Karra Vandhanam, S/o. Adhamu,

Aged 55 years, R/o. D.No.11-4-9/A

Patlavari Veedhi, Bhimavaram,

West Godavari District.

2. Kurala Latha Kumari, W/o. Tata Rao,

aged 45 years, R/o D.No.

Vandhanama Temple Street, Bhimavaram,

West Godavari District.

3. Busi Nagamani, W/o. Kiran, aged 28 years,

R/o. D.No.11-3-28, Vasanthalavari Street,

Bhimavaram, West Godavari District.

... PETITIONERS

AND

1. The Government of A.P. represented by

Collector, West Godvari District.

2. The Bhimavaram Municipality rep. By its Commissioner,

Bhimavaram, West Godavari District.

3. Municipal Engineer, Gr.I. Bhimavaram Municipality,

Bhimavaram, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "WRIT OF MANDAMUS" and declare the action of the respondents in issuing notice vide ROC.No.3207/104/E4, dt.21.8.2004, is as illegal, arbitrary, against the principles of Natural Justice and violative of Article 21 of the Constitution of India, consequently set aside the 2nd respondent's notice ROC.No.3207/04/E4, dt. 21.8.2004 and to pass such other orders as are necessary in the interest of justice.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondent No.1: GP FOR REVENUE,

For R.2 and R.3: Mr. Dammalapati Srinvas, S.C. for Municipalities, Andhra Pradesh

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for petitioners and also the learned Government Pleader appearing for the second respondent Municipality. Both the counsel agreed for disposing the writ petition at the stage of admission.

2. By the impugned notice, petitioners were informed that they obtained tap connection by paying a sum of Rs.2000/- under 'NSDP tap connection'. It is stated that as per the report of the Town Planning Officer, the petitioners premises is not situated in slum area and as such they have to pay a sum of Rs. 4,000/- each for balance contribution and Rs.2,100/-, Rs.1,620/- and Rs.1,620/- respectively towards water tax for regularizing the connection and called upon to pay the said amount within seven days, failing

which, the tap connection will be disconnected without further notice.

3. Learned counsel for the petitioners contends that the said notice was issued without conducting prior enquiry and without due notice to the petitioners. In view of the fact that the notice does not disclose the issuance of any prior notice, on petitioners submitting an explanation to the said notice on or before 08-11-2004, respondents shall provide an opportunity to the petitioners and decide whether the houses of the petitioners fall within the slum area or not and on such passing appropriate orders, respondents are at liberty to proceed further in the matter. Till such speaking order is passed, the tap connection of the petitioners' houses shall not be disconnected for non-payment of the amount stated in the notice.

The writ petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

October 29, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Collector, West Godvari District, Government of A.P.

2. The Commissioner, Bhimavaram Municipality,

Bhimavaram, West Godavari District.

3. Municipal Engineer, Gr.I. Bhimavaram Municipality,

Bhimavaram, West Godavari District.

4. Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)